

IN THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheet

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 49-59, 61, and 63-69 are pending. In the present amendment, Claims 49-59, 61, 63-65, 68, and 69 are currently amended and Claims 48, 60, 62, and 70-94 are canceled without prejudice or disclaimer. Support for the present amendment can be found in the original specification, for example, at page 12, line 1 to page 13, line 2, at page 13, line 18 to page 14, line 2, in Figures 1 and 2, and in original Claim 48. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, the specification was objected to; Claims 48-69 were objected to; Claims 48-69 were rejected under 35 U.S.C. § 112, second paragraph; Claim 48 was rejected under 35 U.S.C. § 102(b) as anticipated by Holl (U.S. Publication No. 2002/0033642); Claim 49 was rejected under 35 U.S.C. § 103(a) as unpatentable over Holl in view of Nakamoto et al. (U.S. Patent No. 4,561,527, hereinafter “Nakamoto”); Claims 50 and 51 were rejected under 35 U.S.C. § 103(a) as unpatentable over Holl in view of Nakamoto, and further in view of Basnett (UK Patent Application No. 2342967); Claim 59 was rejected under 35 U.S.C. § 103(a) as unpatentable over Holl in view of Eckert et al. (U.S. Patent No. 6,302,823, hereinafter “Eckert”); Claims 60, 62, and 68 were rejected under 35 U.S.C. § 103(a) as unpatentable over Holl in view of Basnett; and Claims 52-58, 61, 63-67, and 69 were indicated as being allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph.

Applicants acknowledge with appreciation the indication of allowable subject matter. Accordingly, allowable Claims 52, 61, 63, 65, and 69 are hereby amended to be in independent form. Additionally, it is noted that all other remaining claims depend on one of these allowable independent claims. Further, as discussed below, it is believed that the

claims are hereby amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. Thus, it is respectfully requested that Claims 52, 61, 63, 65, and 69, and all claims dependent thereon, be allowed.

In response to the objection to the specification, the specification is hereby amended to include the proper headings. The specification is also amended to correct some minor informalities. Further, the slope sensor originally shown in Figure 1 as reference numeral 7 is hereby renumbered to be reference numeral 27 to differentiate from the motor which is also shown as reference numeral 7 in Figure 1. Additionally, a replacement Figure 1 is hereby submitted to show the slope as reference numeral 7. It is respectfully submitted that no new matter is added. Thus, it is respectfully requested that the objection to the specification be withdrawn.

In response to the claim objections noted in section 4 on page 2 of the Office Action, it is noted that the phrase “the test” previously recited on line 12 in the bottom of Claim 58 finds antecedent basis in line 2 of Claim 58. Thus, the phrase “the test” is maintained. Further, each of the other objections noted in the Office Action are hereby amended as suggested in the Office Action. It is respectfully submitted that no new matter is added. Thus, it is respectfully requested that the objection to the claims be withdrawn.

In response to the rejection of Claims 48-69 under 35 U.S.C. § 112, second paragraph, Applicants respectfully request reconsideration of this rejection and traverse this rejection, as discussed below.

The second paragraph of section 6 on page 3 of the Office Action states that the phrase “the torque transmitted” previously recited in line 8 of Claim 48 is indefinite. It is noted that Claim 48 is hereby canceled. Additionally, the remaining claims are hereby amended to differentiate between the estimated transmitted torque that is required to balance the vehicle on a slope and the estimated torque that is actually transmitted. As explained in

the original specification, for example, at page 13, line 18 to page 14, line 2, a threshold value of a torque required to be applied to the wheels to keep the vehicle in balance on a slope is calculated. Thus, any increase in applied torque above this calculated value would enable the vehicle to start moving up the slope. Accordingly, from this threshold value for a parking brake release command is determined. Therefore, the method recited in the independent claims determines both the estimated transmitted torque that is required to balance the vehicle on the slope and the estimated torque that is actually being transmitted such that if the estimated torque that is actually transmitted exceeds the transmitted torque required to balance the vehicle on a slope, then the parking brake can be released. On the contrary, if the torque that is actually transmitted is less than the torque required to balance the vehicle on a slope, then the parking brake is not released. Applicants believe that all of the pending claims clearly define each of the respective torques. Further, with regard to the “engine speed value” and “offset” recited in the claims, it is believed that a person of ordinary skill in the art would find these terms definite in view of the amended recitations of the respective torques. However, if the Examiner believes that these terms need further definition, Applicants request some additional explanation as to why these claims are not clear to the Examiner.

Regarding the term “ETT” previously recited in Claim 52, this term is hereby amended to recite “ECT” to be consistent with the remaining claims and the specification. Additionally, the term “preferably” recited in Claim 54 and the term “in particular” recited in Claim 65 are hereby deleted.

In view of the above-discussed amendments, it is respectfully submitted that all pending claims are definite and no further rejection on this basis is anticipated. However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned who will be happy to work with the Examiner in a joint effort to derive mutually acceptable language.

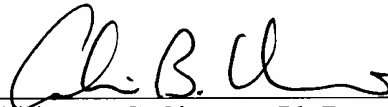
Turning now to the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a), it is noted that each of the rejected claims is either canceled without prejudice or disclaimer, or amended to depend on a claim including allowable subject matter. Therefore, it is respectfully submitted that the rejections are moot and should be withdrawn.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

Respectfully submitted,

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